



To: Mayor and Councillors
From: Wayne Craig
Director, Development
Date: May 19, 2016
File: RZ 13-641554
Re: **Richmond Zoning Bylaw 8500, Amendment Bylaw 9557 (RZ 13-641554) 10060 No. 5 Road**

Background

On February 15, 2016, the No. 5 Road Backlands Policy was amended to include provisions to establish a north/south farm vehicle access road to connect the eastern portions of properties that are located within the Backlands to support farming.

On May 17, 2016, Planning Committee considered Richmond Zoning Bylaw 8500, Amendment Bylaw 9557, to create the “Religious Assembly – No. 5 Road (ZIS7)” zone and to rezone the westerly 110 m wide portion of 10060 No. 5 Road to “Religious Assembly – No. 5 Road (ZIS7)” to permit expansion of the existing Buddhist temple. The proposal considered by the Planning Committee for the Lingyen Mountain Temple, includes a rezoning requirement for the construction of a farm vehicle access road within a 4 m wide north/south statutory right-of-way.

The Planning Committee supported the staff recommendation and Amendment Bylaw 9557 is scheduled to be considered by the Council at the Regular Council meeting on Tuesday, May 24, 2016. Prior to endorsing the proposal to proceed for consideration of 1st reading by the full City Council, the Planning Committee inserted a referral into the resolution advising:

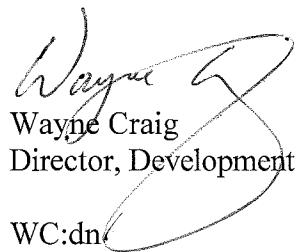
That staff investigate the implications of a statutory right-of-way for the site at 10060 No. 5 Road, and report back to the Regular Council meeting on May 24, 2016.

In response to discussion at the Planning Committee meeting and the Planning Committee referral, staff have reviewed whether construction of a road should be required as a rezoning consideration. It is recommended that the requirement to construct a farm road within the statutory right-of-way on the east portion of the site at 10060 No. 5 Road be omitted while the requirement for a statutory right-of-way securing a potential alignment of the farm road is retained. This recommendation is based on consideration of the impact of road construction on net farmable area, the impact of road construction on drainage and soil compaction, the expected low frequency of use of the statutory right-of-way by adjacent farmers, and the rugged character of farm vehicles, which do not require a hard surface road.

Revised Rezoning Considerations

Amended Rezoning Considerations that reflect the proposed update are attached to this memo (Attachment 1). Rezoning Consideration item #5 reflects the recommendation to remove the requirement for construction of a road within the proposed farm vehicle access statutory right-of-way. Attachment 2 highlights the changes to the original document, which includes deleting conditions that reference construction of a farm road within the statutory right-of-way.

If you have any questions about the revised Rezoning Considerations associated with this rezoning application prior to Council's consideration of 1st reading of Amendment Bylaw 9557, please contact me directly at 604-247-4625.



Wayne Craig
Director, Development

WC:dn

Attachment 1: Revised Rezoning Considerations

Attachment 2: Highlighted Changes to Original Rezoning Considerations

cc: Terry Crowe, Manager, Policy Planning



Address: 10060 No. 5 Road

File No.: RZ 13-641554

Prior to final adoption of Richmond Zoning Bylaw 8500, Amendment Bylaw 9557, the developer is required to complete the following:

1. Provincial Ministry of Transportation & Infrastructure Approval
2. The applicant is required to demonstrate to the City that the Ministry of Transportation and Infrastructure's (MOTI) road dedication requirement and/or negotiated acquisition of property for road widening associated with the George Massey Tunnel Replacement (GMTR) project has been satisfied by achieving either:
 - a) Dedicate as road a 5 m wide portion of the property along the site's eastern edge in accordance with Section 52 (3) (a) of the Transportation Act; or
 - b) Conclude negotiations associated with the GMTR project, which includes all land dedication required for future highway improvements, including the 5 m wide portion of the property along the site's eastern edge referenced in 2.a) above.
3. The applicant is required to demonstrate to the City that approval from the Agricultural Land Commission (ALC) has been granted in writing for the following terms, as articulated by the ALC Resolution #36/2002:
 - a) Submission, acceptance and implementation of a farm plan that specifically addresses surface and internal drainage on the property; and
 - b) Registration of a restrictive covenant on the agricultural Backlands specifying its use as agricultural and restricting any non-farm related services or uses.
 - c) Submission of an acceptable Farm Plan
4. An estimated 2.5 m wide road dedication along No. 5 Road along the site frontage approximately 60 m south of Williams Road; and a 5.5 m wide road dedication along the remainder of the No. 5 Road frontage to accommodate the cross section established by a road functional plan to the satisfaction of the Director of Transportation.
5. Registration of a legal agreement on title that prohibits issuance of a Building Permit for Phase 1 until a statutory right-of-way to secure north/south farm access is registered on the site, or an alternative agreement that complies with the City's Backlands Policy in place at the time of the issuance of the Building Permit. Conditions for the farm vehicle access statutory right-of-way may include:
 - The farm vehicle access statutory right-of-way must provide a connection to Williams Road.
 - Permission to use the farm access statutory right-of-way is to be granted to the City and its designates.
 - The farm access statutory right-of-way is intended to facilitate only the movement of farm vehicles and machinery to fields.
 - The statutory right-of-way for farm vehicle access is a minimum of 4 m wide.
 - The statutory right-of-way area may be used for agriculture purposes until/unless the City advises that a designated travel path is required.

- If the City advises that a designated travel path is required, the owner is required to retain a certified professional registered with the B.C. Institute of Agrologists to determine a suitable road design, subject to review and approval of the City's Transportation staff.
 - Maintenance of the farm vehicle access statutory right-of-way is the responsibility of the property owner.
6. Registration of a flood plain covenant on title identifying a minimum habitable elevation of 2.9 m GSC.
 7. Discharge of covenant BJ1287A, which restricts the width of access to the site to 7.75 m.
 8. Discharge of existing utility right-of-ways BP194151 and BP243287.
 9. Receipt of a Letter of Credit (LOC) or bond for implementation of the farm plan in the amount of \$186,000.00
 10. Receipt of a Letter of Credit (LOC) or bond for landscaping in the amount of \$533,491.00.00. The full value of the LOC or bond will be retained by the City until the completion of Phase 2, including the installation of landscaping
 11. City acceptance of the developer's offer to voluntarily contribute \$50,000 towards bus landing pads/shelters in the vicinity of the site.
 12. Enter into a Servicing Agreement* for the design and construction of the following works, which include but may not be limited to:

Storm Sewer:

The following drainage upgrades along the site's No 5 Road frontage are required or the Developer may hire a consultant to complete a storm analysis to the major conveyance.

The Developer is required to:

- Upgrade the existing storm sewers from existing manhole MH2588 (at the intersection of Williams Road and No. 5 Road) to existing manhole MH2585 (at the intersection of Seacliff Road and No. 5 Road) with a length of 306 meters to 600mm diameter pipe.
- The proposed development shall apply for Ministry of Transportation and Infrastructure (MOTI) approval to facilitate discharge of on-site drainage to the existing ditch along the proposed site's Highway 99 frontage. Proof of MOTI's approval of discharge to the Highway 99 ditch is required.
- If MOTI approval to discharge on-site run-off to the existing ditch along Highway 99 is not obtained by the developer, further downstream assessment and possible storm sewer upgrades are required along No 5 Road and Steveston Highway.

At the Developer's cost, the City will:

- Cut and cap the existing storm service connections and remove the existing Inspection Chamber (IC) located along the site's No 5 Road frontage.

Water Works:

- Using the OCP Model, there is 542.4 L/s available at 20 psi residual. Based on provided information, the site requires a minimum fire flow of 250 L/s. Water analysis is not required. Fire flow calculations signed and sealed by a professional engineer based on F.U.S or ISO are required once the building design is confirmed at the Building Permit stage to confirm adequate available flow.
- Based on the proposed rezoning, the site requires a fire hydrant at Williams Road frontage.

Sanitary works:

- Sanitary analysis and upgrades are not required.
- The existing sanitary right of way along the site's No 5 Road frontage shall be widened and extended west to the property line. Discharge of the existing Right of Ways (BP194151 and BP243287) and registration of the new utility statutory right-of-way is required prior to Servicing Agreement design approval.
- The sanitary service connection details shall be finalized via the servicing agreement design process.

Frontage Improvements:

- The following provides a general description of required frontage works, which are to correspond to details articulated in road functional design drawings that are approved by Transportation and Engineering. Cross section requirements (west to east) for the site's No.5 Road frontage:
 - Existing curb/gutter on the west side to remain
 - Minimum 3.3 m wide southbound travel (curb) lane
 - 3.2 m wide southbound travel (centre) lane
 - 3.2 m wide left turn lane.
 - 3.2 m wide northbound travel (centre) lane
 - 3.3 m wide northbound travel (curb) lane
 - 0.15 m wide curb/gutter
 - 2.5 m wide grass and tree boulevard (for approximately 60 m south of Williams Road where the right of way is constrained, this boulevard may be reduced to 1.5 m wide)
 - 3.5 m wide shared pedestrian /cycling path
- Upgrade the existing traffic signal at the Williams Road/No. 5 Road intersection to accommodate the changes in the road cross-section elements noted above and to include, but not limited to APS features and illuminated street name signs.

The Developer is required to:

- Coordinate with BC Hydro, if required, to relocate the existing BC Hydro poles along the proposed site's No 5 Road frontage as they may conflict with the new sidewalk. Alterations and relocation of any private utilities will be at the developer's cost.
- Pre-duct for future hydro, telephone and cable utilities along all road frontages.
- Locate all above ground utility cabinets and kiosks required to service the proposed development within the developments site (see list below for examples). A functional plan showing conceptual locations for such infrastructure shall be included in the development process design review. Please coordinate with the respective private utility companies and the project's lighting and traffic signal consultants to confirm the requirements (e.g., statutory right-of-way dimensions) and the locations for the aboveground structures. If a private utility company does not require an aboveground structure, that company shall confirm this via a letter to be submitted to the City. The following are examples of statutory right-of-ways that shall be shown in the functional plan and registered prior to SA design approval:
 - BC Hydro PMT – 4mW X 5m (deep)
 - BC Hydro LPT – 3.5mW X 3.5m (deep)
 - Street light kiosk – 1.5mW X 1.5m (deep)
 - Traffic signal kiosk – 1mW X 1m (deep)
 - Traffic signal UPS – 2mW X 1.5m (deep)
 - Shaw cable kiosk – 1mW X 1m (deep) – show possible location in functional plan
 - Telus FDH cabinet-1.1 m W X 1 m (deep – show possible location in functional plan
 - Provide street lighting along the proposed site's No. 5 Road frontage.

General Items:

- If pre-load is required, provide prior to first SA design submission, a geotechnical assessment of preload and soil preparation impacts on the existing utilities fronting or within the development site, proposed utility installations, and provide mitigation recommendations. The mitigation recommendations (if required) shall be incorporated into the first SA design submission or if necessary prior to pre-load.

- Additional legal agreements, as determined via the subject development's Servicing Agreement(s) and/or Building Permit(s) to the satisfaction of the Director of Engineering may be required, including, but not limited to, site investigation, testing, monitoring, site preparation, de-watering, drilling, underpinning, anchoring, shoring, piling, pre-loading, ground densification or other activities that may result in settlement, displacement, subsidence, damage or nuisance to City and private utility infrastructure.

Prior to Building Permit Issuance, the developer must complete the following requirements:

1. Submission of a Construction Parking and Traffic Management Plan to the Transportation Department. Management Plan shall include location for parking for services, deliveries, workers, loading, application for any lane closures, and proper construction traffic controls as per Traffic Control Manual for works on Roadways (by Ministry of Transportation) and MMCD Traffic Regulation Section 01570.
2. Incorporation of accessibility measures in Building Permit (BP) plans as determined via the Rezoning and/or Development Permit processes.
3. Obtain a Building Permit (BP) for any construction hoarding. If construction hoarding is required to temporarily occupy a public street, the air space above a public street, or any part thereof, additional City approvals and associated fees may be required as part of the Building Permit. For additional information, contact the Building Approvals Department at 604-276-4285.
4. Installation of appropriate tree protection fencing around all trees to be retained as part of the development prior to any construction activities, including building demolition, occurring on-site.

Note:

- * This requires a separate application.
- Where the Director of Development deems appropriate, the preceding agreements are to be drawn not only as personal covenants of the property owner but also as covenants pursuant to Section 219 of the Land Title Act.

All agreements to be registered in the Land Title Office shall have priority over all such liens, charges and encumbrances as is considered advisable by the Director of Development. All agreements to be registered in the Land Title Office shall, unless the Director of Development determines otherwise, be fully registered in the Land Title Office prior to enactment of the appropriate bylaw.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable/rent charges, letters of credit and withholding permits, as deemed necessary or advisable by the Director of Development. All agreements shall be in a form and content satisfactory to the Director of Development.

- Additional legal agreements, as determined via the subject development's Servicing Agreement(s) and/or Development Permit(s), and/or Building Permit(s) to the satisfaction of the Director of Engineering may be required including, but not limited to, site investigation, testing, monitoring, site preparation, de-watering, drilling, underpinning, anchoring, shoring, piling, pre-loading, ground densification or other activities that may result in settlement, displacement, subsidence, damage or nuisance to City and private utility infrastructure.
- Applicants for all City Permits are required to comply at all times with the conditions of the Provincial *Wildlife Act* and Federal *Migratory Birds Convention Act*, which contain prohibitions on the removal or disturbance of both birds and their nests. Issuance of Municipal permits does not give an individual authority to contravene these legislations. The City of Richmond recommends that where significant trees or vegetation exists on site, the services of a Qualified Environmental Professional (QEP) be secured to perform a survey and ensure that development activities are in compliance with all relevant legislation.

Signed original on file

Date



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5. Registration of a legal agreement on title that prohibits issuance of a Building Permit for Phase 1 until a statutory right-of-way to secure a north/south farm vehicle access road is registered on the site, or an alternative agreement that complies with the City's Backlands Policy in place at the time of the issuance of the Building Permit. Conditions for the farm vehicle access statutory right-of-way road may include:
 - The farm vehicle access statutory right-of-way road must provide a connection to Williams Road.
 - Permission to use the farm access road-statutory right-of-way is to be granted to the City and its designates.
 - ~~A structure(s) to control access is permitted.~~
 - The farm access statutory right-of-way road must be designed and constructed for farm use only and is intended to facilitate only the movement of farm vehicles and machinery to fields.
 - The statutory right-of-way for the farm vehicle access road is a minimum of 4 m wide.
 - The statutory right of way area may be used for agriculture purposes until/unless the City advises that a designated travel path is required.

- If the City advises that a designated travel path is required, the owner is required to retain a certified professional registered with the B.C. Institute of Agrologists to determine a suitable road design, subject to review and approval of the City's Transportation staff. ~~Design details are to be presented as an addendum to the Farm Plan and an associated bond is to be determined and secured.~~
 - ~~A functional farm road base is to be determined by a certified professional registered with the B.C. Institute of Agrologists. If identified as necessary, drainage is required to be provided. Works are subject to review and approval by the City's Engineering staff.~~
 - ~~Construction and~~ Maintenance of the farm vehicle access road and statutory right-of-way is the responsibility of the property owner.
 - ~~Proposed road design and fill materials must be reviewed and approved by the City's Engineering and Transportation Department staff. Suitable material includes sod, gravel and crushed limestone. Blacktop, asphalt, hog fuel and ground-up asphalt is not permitted.~~
 - ~~Placement of the farm access road should consider designated Riparian Management Areas related to riparian setbacks.~~
6. Registration of a flood plain covenant on title identifying a minimum habitable elevation of 2.9 m GSC.
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